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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

RAUL URIARTE-LIMON,

Plaintiff,

vs.

DRIVE THRU LIQUOR INC, a  
California corporation dba HAPPY  
LIQUOR; GIRISH SOLANKI as an  
individual and as representative capacity  
as trustee of the GIRISH AND REKHA  
SOLANKI 2009 LIVING TRUST;  
REKHA SOLANKI as an individual and  
as representative capacity as trustee of  
the GIRISH AND REKHA SOLANKI  
2009 LIVING TRUST; and DOES 1-10,

Defendants.

Case No.:

COMPLAINT FOR:

DENIAL OF CIVIL RIGHTS AND  
ACCESS TO PUBLIC FACILITIES  
TO PHYSICALLY DISABLED  
PERSONS IN VIOLATION OF THE  
AMERICANS WITH DISABILITIES  
ACT OF 1990, (42 U.S.C. §12101, *et*  
*seq.*) AND THE UNRUH CIVIL  
RIGHTS ACT, (CALIFORNIA CIVIL  
CODE §51, *et seq.*)

DEMAND FOR JURY TRIAL

1 Plaintiff RAUL URIARTE-LIMON (hereinafter referred to as “Plaintiff”)  
2 complains of DRIVE THRU LIQUOR INC, a California corporation dba HAPPY  
3 LIQUOR; GIRISH SOLANKI as an individual and as representative capacity as  
4 trustee of the GIRISH AND REKHA SOLANKI 2009 LIVING TRUST; REKHA  
5 SOLANKI as an individual and as representative capacity as trustee of the  
6 GIRISH AND REKHA SOLANKI 2009 LIVING TRUST; and DOES 1-10,  
7 (each, individually a “Defendant” and collectively “Defendants”) and alleges as  
8 follows:

### 9 I. PARTIES

10 1. Plaintiff RAUL URIARTE-LIMON is a California resident and a  
11 qualified physically disabled person. He cannot walk due to paraplegia and uses a  
12 wheelchair for mobility. Plaintiff prides himself on his independence and on  
13 empowering other disabled persons to be independent.

14 2. Defendants DRIVE THRU LIQUOR INC, a California corporation  
15 dba HAPPY LIQUOR; GIRISH SOLANKI as an individual and as representative  
16 capacity as trustee of the GIRISH AND REKHA SOLANKI 2009 LIVING  
17 TRUST; REKHA SOLANKI as an individual and as representative capacity as  
18 trustee of the GIRISH AND REKHA SOLANKI 2009 LIVING TRUST are and  
19 were the owners, operators, lessors and/or lessees of the subject business, property,  
20 and facility at all times relevant in this Complaint.

21 3. Plaintiff does not know the true names of Defendants, their business  
22 capacities, their ownership connection to the property and business, or their  
23 relative responsibilities in causing the access violations herein complained of, and  
24 alleges a joint venture and common enterprise by all such Defendants. Plaintiff is  
25 informed and believes that each of the Defendants herein, including DOES 1  
26 through 10, inclusive, is responsible in some capacity for the events herein alleged,  
27 or is a necessary party for obtaining appropriate relief. Plaintiff will seek leave to  
28

1 amend when the true names, capacities, connections, and responsibilities of the  
2 Defendants and Does 1 through 10, inclusive, are ascertained.

3 4. Defendants own and owned the property located at 1538 W Holt Blvd,  
4 Ontario, CA 91762 (“Subject Property”) at all relevant times.

5 5. Defendants operate and operated a liquor store doing business as  
6 Happy Liquor “liquor store”, located at the Subject Property, at all relevant times.

7 6. Plaintiff alleges that the Defendants have been and are the owners,  
8 franchisees, lessees, general partners, limited partners, agents, trustees, employees,  
9 subsidiaries, partner companies and/or joint ventures of each of the other  
10 Defendants, and performed all acts and omissions stated herein within the course  
11 and scope of such relationships causing the damages complained of herein.

## 12 **II. JURISDICTION AND VENUE**

13 7. This Court has subject matter jurisdiction over this action pursuant to  
14 28 U.S.C. §1331 and §1343(a)(3) and (a)(4) for violations of the Americans with  
15 Disabilities Act of 1990, U.S.C. §12101, *et seq.*

16 8. Pursuant to supplemental jurisdiction, an attendant and related cause  
17 of action, arising out of the same nucleus of operative facts and arising out of the  
18 same transactions, is also brought under California’s Unruh Civil Rights Act,  
19 which expressly incorporates the Americans with Disabilities Act.

20 9. Venue is proper in this court pursuant to 28 U.S.C. U.S.C. §1391(b)  
21 and is founded on the fact that the real property which is the subject of this action  
22 is located in this district and that Plaintiff’s causes of action arose in this district.

## 23 **III. FACTS**

24 10. Plaintiff uses a wheelchair for mobility.

25 11. Defendants’ business is open to the public, a place of public  
26 accommodation, and a business establishment.

27 12. Plaintiff went to the liquor store on July 6, 2023, and purchased one or  
28 more items. The receipt he received for his purchase is shown in the photo below.



13. Unfortunately, during Plaintiff's visit to the store, Defendants did not offer persons with disabilities equivalent facilities, privileges, advantages, and accommodations offered to other persons.

14. Plaintiff encountered barriers that totally interfered with and denied Plaintiff the ability to use and enjoy the goods, services, privileges, advantages, and accommodations offered by Defendants at the Subject Property.

15. These barriers violate one or more mandatory accessibility Standards of the Americans with Disabilities Act ("2010 ADA") and/or the California Building Codes ("2022 CBC").

16. Parking for patrons visiting the Subject Property is among the facilities, privileges advantages, and accommodations offered by Defendants.

17. When parking is provided, there must be at least one accessible parking space designated and marked for disabled persons. However, there is no

1 accessible parking for disabled persons and/or the parking spaces designated for  
2 disabled persons do not comply with the applicable standards. 2010 ADA §502 et  
3 seq.; 2022 CBC 11B-502 et seq.

4 18. The paint used for the designated accessible parking space and  
5 adjacent access aisle was badly faded and cannot be clearly seen. There is no way  
6 to determine the actual dimensions of the space and whether the adjacent loading  
7 and unloading access aisle is the correct width for an accessible space. The  
8 International Access Symbol was missing or was so faded and worn it cannot be  
9 seen. ADA 2010 §502.3.3; ADA 2010 §502.6; 2022 CBC 11B-502.3.3; 2022 CBC  
10 11B 502.6; 2022 CBC 11B-108.

11 19. The parking space's adjacent access aisle did not say "No Parking" or  
12 the paint is so faded it cannot be read. ADA 2010 §502.3.3; 2022 CBC 11B-  
13 502.3.3; 2022 CBC 11B-108.

14 20. An accessible parking space and access aisle must be on ground that is  
15 stable, firm, and level. The parking space and adjacent access aisle at the liquor  
16 store has deep hole in the asphalt and loose, crumbling asphalt. ADA 2010 §302.1;  
17 ADA 2010 §502.4; 2022 CBC 11B-302.1; 2022 CBC 11B-502.4; 2022 CBC 11B-  
18 108.

19 21. There is no ADA compliant parking signage. The existing signage is  
20 covered in stickers and graffiti. ADA 2010 §502.6; 2022 CBC 11B-502.6, 2022  
21 CBC 11B-108.

22 22. There is also no sign in a conspicuous place at the entrance to the  
23 facility, or immediately adjacent to on-site accessible parking and visible from  
24 each parking space, stating that vehicles parked in designated accessible spaces not  
25 displaying a disabled placard or license plate will be towed. 2022 CBC 11B-502.8.

26 23. A photo taken on the day of Plaintiff's visit which shows one or more  
27 of these violations is below.  
28





24. Plaintiff personally encountered these barriers during Plaintiff's visit to the Subject Property on July 6, 2023..

25. These inaccessible conditions denied Plaintiff full and equal access and caused him difficulty, discomfort, and embarrassment.

26. Plaintiff alleges that Defendants knew that the architectural barriers prevented equal access. Plaintiff further alleges that Defendants had actual or constructive knowledge that the architectural barriers prevented equal access, and that the noncompliance with the Americans with Disabilities Act and Title 24 of the California Building Code regarding accessible features was intentional.

1           27. Plaintiff intends to return to Defendants' public accommodation  
2 facilities in the near future. Plaintiff is currently deterred from returning because of  
3 the knowledge of barriers to equal access that continue to exist at Defendants'  
4 facilities that relate to Plaintiff's disabilities.

5           28. Defendants have failed to maintain in working and useable conditions  
6 those features necessary to provide ready access to persons with disabilities. 28  
7 C.F.R. §36.211(a).

8           29. Defendants have the financial resources to remove these barriers  
9 without much expense or difficulty in order to make their property more accessible  
10 to their mobility impaired customers. These barriers are readily achievable to  
11 remove. The United States Department of Justice has identified that these types of  
12 barriers are readily achievable to remove.

13           30. To date, Defendants refuse to remove these barriers, in violation of  
14 the law, willfully depriving disabled persons including Plaintiff of important civil  
15 rights.

16           31. On information and belief, the Plaintiff alleges that the Defendants'  
17 failure to remove these barriers was intentional because the barriers are logical and  
18 obvious. During all relevant times Defendants had authority, control and dominion  
19 over these conditions and therefore the absence of accessible facilities was not a  
20 mishap but rather an intentional act.

21           32. The barriers to access are listed above without prejudice to Plaintiff  
22 citing additional barriers to access by an amended complaint after inspection by  
23 Plaintiff's access consultant. *Oliver v. Ralphs Grocery Co.*, 654 F.3d 903 (9th Cir.  
24 2011); *Doran v. 7-Eleven, Inc.*, 524 F.3d 1034 (9th Cir. 2008); *Chapman v. Pier*  
25 *One Imports (USA), Inc.*, 631 F.3d 939 (9th Cir. 2011). All of these barriers to  
26 access render the premises inaccessible to physically disabled persons who are  
27 mobility impaired, such as Plaintiff, and are barriers Plaintiff may encounter when  
28

1 he returns to the premises. All facilities must be brought into compliance with all  
2 applicable federal and state code requirements, according to proof.

3 **FIRST CAUSE OF ACTION**

4 Violation of the Americans With Disabilities Act of 1990

5 (42 U.S.C. §12101, *et seq.*)

6 (Against All Defendants)

7 33. Plaintiff alleges and incorporates by reference, as if fully set forth  
8 again herein, each and every allegation contained in all prior paragraphs of this  
9 complaint.

10 34. More than thirty years ago, the 101st United States Congress found  
11 that although “physical or mental disabilities in no way diminish a person’s right to  
12 fully participate in all aspects of society, yet many people with physical or mental  
13 disabilities have been precluded from doing so because of discrimination...in such  
14 critical areas as employment, housing, public accommodations, education,  
15 transportation, communication, recreation, institutionalization, health services,  
16 voting, and access to public services.” 42 U.S.C. §12101(a).

17 35. In 1990 Congress also found that “the Nation’s proper goals regarding  
18 individuals with disabilities are to assure equality of opportunity, full participation,  
19 independent living, and economic self-sufficiency for such individuals,” but that  
20 “the continuing existence of unfair and unnecessary discrimination and prejudice  
21 denies people with disabilities the opportunity to compete on an equal basis and to  
22 pursue those opportunities for which our free society is justifiably famous.” 42  
23 U.S.C. §12101(a).

24 36. In passing the Americans with Disabilities Act of 1990, which was  
25 signed into law by President George H. W. Bush on July 26, 1990 (hereinafter the  
26 “ADA”), Congress stated as its purpose:

27 “It is the purpose of this Act  
28



(1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

(2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

(3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and

(4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day to-day by people with disabilities.”

42 USC §12101(b).

37. As part of the ADA, Congress passed “Title III – Public Accommodations and Services Operated by Private Entities” (42 U.S.C. §12181 *et seq.*). Title III of the ADA prohibits discrimination against any person “on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. §12182(a).

38. The specific prohibitions against discrimination include, *inter alia*, the following:

- 42 U.S.C. §12182(b)(1)(A)(ii): “Participation in Unequal Benefit. - It shall be discriminatory to afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.”
- 42 U.S.C. §12182(b)(2)(A)(ii): “a failure to make reasonable modifications in policies, practices, or procedures when such

1 modifications are necessary to afford such goods, services, facilities,  
2 privileges, advantages, or accommodations to individuals with  
3 disabilities...;”

- 4 • 42 U.S.C. §12182(b)(2)(A)(iii): “a failure to take such steps as may be  
5 necessary to ensure that no individual with a disability is excluded,  
6 denied service, segregated, or otherwise treated differently than other  
7 individuals because of the absence of auxiliary aids and services...;”
- 8 • 42 U.S.C. §12182(b)(2)(A)(iv): “a failure to remove architectural  
9 barriers, and communication barriers that are structural in nature, in  
10 existing facilities... where such removal is readily achievable;”
- 11 • 42 U.S.C. §12182(b)(2)(A)(v): “where an entity can demonstrate that  
12 the removal of a barrier under clause (iv) is not readily achievable, a  
13 failure to make such goods, services, facilities, privileges, advantages,  
14 or accommodations available through alternative methods if such  
15 methods are readily achievable.”

16 39. Plaintiff is a qualified individual with a disability as defined in the  
17 Rehabilitation Act and in the Americans with Disabilities Act of 1990.

18 40. The acts and omissions of Defendants set forth herein were in  
19 violation of Plaintiff’s rights under the ADA and the regulations promulgated  
20 thereunder, 28 C.F.R. Part 36 *et seq.*

21 41. The removal of each of the physical and policy barriers complained of  
22 by Plaintiff as hereinabove alleged, were at all times herein mentioned “readily  
23 achievable” under the standards of §12181 and §12182 of the ADA. Removal of  
24 each and every one of the architectural and/or policy barriers complained of herein  
25 was already required under California law. Further, on information and belief,  
26 alterations, structural repairs or additions since January 26, 1993, have also  
27 independently triggered requirements for removal of barriers to access for disabled  
28 persons per §12183 of the ADA. In the event that removal of any barrier is found  
to be “not readily achievable,” Defendants still violated the ADA, per

1 §12182(b)(2)(A)(v) by failing to provide all goods, services, privileges, advantages  
2 and accommodations through alternative methods that were “readily achievable.”

3 42. On information and belief, as of the date of Plaintiff’s encounter at the  
4 premises and as of the filing of this Complaint, Defendants’ actions, policies, and  
5 physical premises have denied and continue to deny full and equal access to  
6 Plaintiff and to other mobility disabled persons in other respects, which violate  
7 Plaintiff’s right to full and equal access and which discriminate against Plaintiff on  
8 the basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal  
9 enjoyment of the goods, services, facilities, privileges, advantages and  
10 accommodations, in violation of 42 U.S.C. §12182 and §12183 of the ADA.

11 43. Defendants’ actions continue to deny Plaintiff’s rights to full and  
12 equal access and discriminated and continue to discriminate against him on the  
13 basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal  
14 enjoyment of Defendants’ goods, services, facilities, privileges, advantages and  
15 accommodations, in violation of the ADA, 42 U.S.C. §12182.

16 44. Further, each and every violation of the Americans With Disabilities  
17 Act of 1990 also constitutes a separate and distinct violation of California Civil  
18 Code §51(f), §52, §54(c) and §54.1(d), thus independently justifying an award of  
19 damages and injunctive relief pursuant to California law, including but not limited  
20 to Civil Code §54.3 and §55.

## 21 **SECOND CAUSE OF ACTION**

22 Violation of the Unruh Civil Rights Act

23 (California Civil Code §51, *et seq.*)

24 (Against All Defendants)

25 45. Plaintiff alleges and incorporates by reference, as if fully set forth  
26 again herein, each and every allegation contained in all prior paragraphs of this  
27 complaint.  
28

1           46. California Civil Code §51 provides that physically disabled persons  
2 are free and equal citizens of the state, regardless of their medical condition or  
3 disability:

4           All persons within the jurisdiction of this state are free and equal, and  
5 no matter what their sex, race, color, religion, ancestry, national origin,  
6 **disability, or medical condition** are entitled to full and equal  
7 accommodations, advantages, facilities, privileges, or services in all  
8 business establishments of every kind whatsoever.

8 California Civil Code §51(b) (emphasis added).

9           47. California Civil Code §51.5 also states, in part: “No business,  
10 establishment of any kind whatsoever shall discriminate against...any person in  
11 this state on account” of their disability.

12           48. California Civil Code §51(f) specifically incorporates (by reference)  
13 an individual’s rights under the ADA into the Unruh Act.

14           49. California Civil Code §52 provides that the discrimination by  
15 Defendants against Plaintiff on the basis of his disability constitutes a violation of  
16 the general antidiscrimination provisions of §51 and §52.

17           50. Each of Defendants’ discriminatory acts or omissions constitutes a  
18 separate and distinct violation of California Civil Code §52, which provides that:

19           Whoever denies, aids or incites a denial, or makes any discrimination  
20 or distinction contrary to section 51, 51.5, or 51.6 is liable for each and  
21 every offense for the actual damages, and any amount that may be  
22 determined by a jury, or a court sitting without a jury, up to a maximum  
23 of three times the amount of actual damage but in no case less than four  
24 thousand dollars (\$4,000), and any attorney’s fees that may be  
25 determined by the court in addition thereto, suffered by any person  
26 denied the rights provided in Section 51, 51.5, or 51.6.

25           51. Any violation of the Americans with Disabilities Act of 1990  
26 constitutes a violation of California Civil Code §51(f), thus independently  
27 justifying an award of damages and injunctive relief pursuant to California law,  
28 including Civil Code §52. Per Civil Code §51(f), “A violation of the right of any

1 individual under the Americans with Disabilities Act of 1990 (Public Law 101-  
2 336) shall also constitute a violation of this section.”

3 52. The actions and omissions of Defendants as herein alleged constitute a  
4 discriminatory denial of equal access to and use of the described public facilities  
5 by physically disabled persons within the meaning of California Civil Code §51  
6 and §52.

7 53. The discriminatory denial of equal access to and use of the described  
8 public facilities caused Plaintiff difficulty, discomfort, and embarrassment.

9 54. As a proximate result of Defendants’ action and omissions,  
10 Defendants have discriminated against Plaintiff in violation of Civil Code §51 and  
11 §52, and are responsible for statutory, compensatory and actual damages to  
12 Plaintiff, according to proof.

13 **PRAYER FOR RELIEF**

14 Plaintiff has no adequate remedy at law to redress the wrongs suffered as set  
15 forth in this Complaint. Plaintiff has suffered and will continue to suffer  
16 irreparable injury as a result of the unlawful acts, omissions, policies, and  
17 practices of the Defendants as alleged herein, unless Plaintiff is granted the relief  
18 he requests. Plaintiff and Defendants have an actual controversy and opposing  
19 legal positions as to Defendants’ violations of the laws of the United States and  
20 the State of California.

21 The need for relief is critical because the civil rights at issue are paramount  
22 under the laws of the United States of America and the State of California.

23 WHEREFORE, Plaintiff prays judgment against Defendants, and each of  
24 them, as follows:

25 1. Issue a preliminary and permanent injunction directing  
26 Defendants as current owners, operators, lessors, and/or lessees of the  
27 Subject Property and premises to modify the above described property,  
28 premises, policies and related facilities to provide full and equal access



1 to all persons, including persons with physical disabilities; and issue a  
2 preliminary and permanent injunction pursuant to ADA §12188(a) and  
3 state law directing Defendants to provide facilities and services usable  
4 by Plaintiff and similarly situated persons with disabilities, and which  
5 provide full and equal access, as required by law, and to maintain such  
6 accessible facilities once they are provided; to cease any discriminatory  
7 policies; and to train Defendants' employees and agents how to  
8 recognize disabled persons and accommodate their rights and needs;

9 2. Retain jurisdiction over the Defendants until such time as  
10 the Court is satisfied that Defendants' unlawful policies, practices, acts  
11 and omissions, and maintenance of physically inaccessible public  
12 facilities and policies as complained of herein no longer occur, and  
13 cannot recur;

14 3. Award to Plaintiff all appropriate damages, including but  
15 not limited to actual and statutory damages according to proof;

16 4. Award to Plaintiff all reasonable attorney fees, litigation  
17 expenses, and costs of this proceeding pursuant to 42 U.S.C §12205 and  
18 California Civil Code §52; and

19 5. Grant such other and further relief as this Court may deem  
20 just and proper.

21  
22 DATED: September 1, 2023

VALENTI LAW APC

23  
24 By: /s/ Matt Valenti

25 Matt Valenti, Esq.

26 Attorney for Plaintiff  
27  
28

**JURY DEMAND**

Plaintiff hereby demands a trial by jury for all claims and issues for which a jury is permitted.

DATED: September 1, 2023

VALENTI LAW APC

By: /s/ Matt Valenti

Matt Valenti, Esq.  
Attorney for Plaintiff